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PATENT & TRADEMARK OFFICE

Examining Group 1624
Patent Application
Docket No. PC25033A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: DAVID A. GRIFFITH	Group Art Unit: 1624
Serial No. 10/689,381 Filed on October 20, 2003	Examiner: BERCH, MARK L
For: CANNABINOID RECEPTOR LIGANDS AND USES THEREOF	

DECLARATION OF STEPHEN R. ANDERSON UNDER 37 C.F.R. §1.132

I, Stephen Anderson, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon; and I further declare that:

1. I received a PhD degree from the University of Maryland, Baltimore. Maryland in 1997;

2. From May 6, 2002 to present I have been and continue to be employed at Pfizer Inc., assignee of the above-referenced application;

3. I presently hold the title of Senior Principal Scientist in the Pharmaceutical Sciences, Materials Science and Solids Development CoE (Center of Emphasis) department of Pfizer Global Research and Development Division in Groton, Connecticut;

4. As part of my job responsibilities, I conducted a hydrate screen for the hydrochloride salt of 1-[9-(4-chloro-phenyl)-8-(2-chloro-phenyl)-9H-purin-6-yl]-4-ethylamino-piperidine-4-carboxylic acid amide which falls within the scope of the above-referenced patent application;

5. I hereby submit that thermal gravimetric analysis (TGA) in conjunction with Fourier transform-infrared (FT-IR) analysis of the evolved gas is commonly used to characterize compounds for the formation of hydrates/solvates.

6. The product isolated from slurrying the hydrochloride salt of 1-[9-(4-chloro-phenyl)-8-(2-chloro-phenyl)-9H-purin-6-yl]-4-ethylamino-piperidine-4-carboxylic acid amide (Example 20A-1) in an aqueous organic solvent was analyzed using an automatic TGA 2950HR V5.4A instrument.

7. FT-IR analysis of the gas evolved during the TGA experiment showed that the weight loss between 40°C and 70°C was due to the loss of water, thus establishing and evidencing that a hydrate had formed.

FEB 14 2006 — Stephen R. Anderson
Date — Stephen R. Anderson

State of Connecticut
County of New London

Subscribed and sworn to (or affirmed) before me this 14th day of February, 2006 by

Stephen R. Anderson
Name of Signer

Donna L. Berdick
Signature of Notary Public

DONNA L. BERDICK
Notary Public No. 117691
Connecticut
My Commission Expires Jan. 31, 2008

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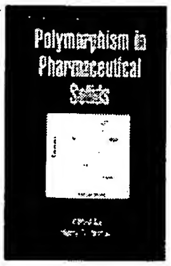
Polymorphism in Pharmaceutical Solids

Drugs and the Pharmaceutical Sciences ; V. 95

by Brittain, H. G.



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the crystal free to grow at the opposite pole. Since it is bound at the slow growing NH_{3+} end of the polar axis, it does not interfere with the fast growing CO_{2-} end.

J. Grinding -

Polymorphic transformations have been observed to occur on grinding of certain materials, such as sulfathiazole, barbital, phenylbutazone, cephalexin, chloramphenicol palmitate, indomethacin, and chlorpropamide. Byrn [46] has stated that polymorphic transformations in the solid state require the three steps of (a) molecular loosening (nucleation by separation from the lattice), (b) solid solution formation, and (c) separation of the product (crystallization of the new phase). Depending on the material and the conditions employed, grinding can result in conversion to an amorphous substance. With the exercise of care, different polymorphic forms can be obtained. Otsuka et al. [57] showed that metastable Forms B and C of chloramphenicol palmitate were transformed into stable Form A upon grinding at room temperature. Indomethacin was transformed into a noncrystalline solid during grinding at 4°C, and into metastable Form A by grinding at 30°C. Caffeine Form II is converted into Form I with grinding, and a 95% phase conversion was obtained following 60 hours of grinding time [38].

II. Methods Employed To Obtain Hydrate Forms

Pharmaceutical solids may come into contact with water during processing steps, such as crystallization, lyophilization, wet granulation, aqueous film-coating, or spray-drying. Moreover, they may be exposed to water during storage in an atmosphere containing water vapor, or in a dosage form consisting of materials that contain water (e.g., excipients) and are capable of transferring it to other ingredients. Water may be adsorbed onto the solid surface and/or may be absorbed in the bulk solid structure. When water is incorporated into the crystal lattice of the compound in stoichiometric proportions, the molecular adduct or adducts formed are referred to as hydrates [58]. More than 90 hydrates

are described in various USP monographs. Hydrates can be prepared by recrystallization from water or from mixed aqueous solvents. They can also result, in some instances, from exposure of crystal solvates (such as methanolates or ethanolates) to an atmosphere containing water vapor.

Crystalline substances often form with water molecules located at specific sites in the crystal lattice, which are held in coordination complexes around lattice cations. This type of water is denoted as water of crystallization and is common for inorganic compounds. For example, nickel sulfate forms a well-defined hexahydrate, where the waters of hydration are bound directly to the Ni(II) ion. Extraneous inclusion of water molecules can occur if a coprecipitated cation carries solvation molecules with it. Water also can be incorporated into random pockets as a result of physical entrapment of the mother liquor. Well-defined multiple hydrate species can also form with organic molecules. For example, raffinose forms a pentahydrate.

Although most hydrates exhibit a whole-number-ratio stoichiometry, an unusual case is the metastable hydrate of caffeine, which contains only 0.8 moles of water per mole of caffeine. Only in a saturated water vapor atmosphere will additional amounts of water be adsorbed at the surface of the 4/5-hydrate to yield a 5/6 hydrate [59].

In some instances, a compound of a given hydration state may crystallize in more than one form, so that the hydrates themselves exhibit polymorphism. One such example is nitrofurantoin, which forms two monohydrates that have distinctly different temperatures and enthalpies of dehydration. The monohydrates have quite different packing arrangements, with Form I possessing a layer structure and Form II exhibiting a herringbone motif. The included water molecules play a major role in stabilizing the crystal structures. Whereas water molecules are contained in isolated cavities in Form II, in Form I they are located in continuous channels, and this apparently facilitates the escape of water when these crystals are heated [60].

Another example of hydrate polymorphism is amiloride hydrochloride [61], which can be obtained in two polymorphic dihydrate forms. These forms are indistinguishable by techniques other than x-ray powder diffraction.

It is interesting that scopolamine hydrobromide has been reported

to exist as the anhydrous form, a "hemihydrate," a sesquihydrate, and a trihydrate [62], while the unit cell parameters and the molecular geometry of these are all the same as those of the hemihydrate. This finding suggests that the "hemihydrate" is actually a partially desolvated sesquihydrate.

Ouabaine is another example of a compound that exhibits many different hydration levels, the most hydrated form being stable at the lowest temperature. Thus the nonahydrate phase of ouabaine is obtained from water at 0–15°C, the octahydrate phase at 15–28°C, and the dihydrate phase at 28–90°C. In addition, ouabaine phases corresponding to 4.5 H_2O, 4 H_2O, and 3 H_2O may be obtained from mixtures of water with other solvents. The anhydrous phase of ouabaine anhydrate is crystallized from ethanol at high temperatures [63].

Typically, hydrates are obtained by recrystallization from water. For example, trazodone hydrochloride tetrahydrate was prepared by dissolving the anhydrate in hot distilled water, allowing the solution to remain at room temperature overnight, and storing the collected crystals at 75% relative humidity and 25°C until they reached constant weight [64].

Hydrates can sometimes be obtained by simply suspending the anhydrous material in water, whereupon a form of Ostwald ripening occurs. For instance, aqueous suspensions of anhydrous metronidazole benzoate are metastable, and storage at temperatures lower then 38°C leads to monohydrate formation accompanied by crystal growth [65]. Sorbitol provides another example of this behavior, where slow cooling of a saturated aqueous solution yields long thin needles of sorbitol hydrate [66]. When suspended in water, anhydrous carbamazepine is transformed to carbamazepine dihydrate [67]. In other instances, hydrates can be obtained from mixed solvent systems. Acemetacin monohydrate can be obtained by slow evaporation from a mixture of acetone and water at room temperature [68].

Simply exposing an anhydrous powder to high relative humidity can often lead to formation of a hydrate. On exposure to a relative humidity of 100%, dexmedetomidine hydrochloride is converted to a monohydrate [69]. Droloxifene citrate is an example of a compound that is not very hygroscopic and yet forms a hydrate. Only after storage of the anhydrous form at 85% relative humidity does some sorption of

water occur. The monohydrate phase can be formed by exposing the anhydrous form to 98% relative humidity for ten days at 24°C [70].

III. Methods Employed To Obtain Solvate Forms

Often, when solvents are employed in the purification of new drug substances by recrystallization, it is observed that the isolated crystals include solvent molecules, either entrapped within empty spaces in the lattice or interacting via hydrogen bonding or van der Waals force with molecules constituting the crystal lattice. Solvent molecules also can be found in close association with metal ions, completing the coordination sphere of the metal atom. Coordinated solvent molecules are considered as part of the crystallized molecule. A crystal with large empty channels or cavities is not stable because of packing demands. The size and chemical environment of the cavity or channel determine what kind of solvent molecule can be included in the structure and what kind of interaction occurs between solvent and structure.

Depending on the nature of molecular packing arrangements, it may happen that the inclusion of solvent is necessary to build a stable crystal structure. van Geerestein et al. [71] found during numerous crystallization attempts of 11β-[4-(dimethylamino)phenyl]-17β-hydroxy-17α-(I-propynyl) estra-4,9-diene-3-one] that crystals were only obtainable in the presence of *n*-butyl acetate or *n*-propyl acetate. The crystal structure of the compound crystallized from *n*-butyl acetate/methylcyclohexane was solved, and one solvent molecule was found in the crystal structure that showed no strong interactions with the rest of the structure. Apparently, this solvent molecule was necessary to fill empty space resulting after the molecular packing. Solvates in which the solvent fills empty space are generally nonstoichiometric, such as the nonstoichiometric solvates formed by droloxifene citrate with acetonitrile, 2-propanol, ethanol, 1-propanol, and 1-butanol. Typically such solvates exhibit the same x-ray diffraction pattern as does the nonsolvated compound.

When solvent molecules increase the strength of the crystal lattice, they can affect the stability of the compound to solid-state decom-

position. It has been observed that the four solvated and one nonsolvated structures of prenisolone *tert*-butyl acetate affect the flexibility of the steroid nucleus and the structure-dependent degradation of the compound when exposed to air and light [72].

van der Sluis and Kroon found 1,247 different compounds with cocrystallized solvents in the Cambridge Crystallographic Database [73]. Out of 46,460 total structures, they found 9,464 solvate structures, and 95% of these contained one of the 15 solvents given in Table 2.

The most commonly encountered solvates among pharmaceuticals are those of 1:1 stoichiometry, but occasionally mixed solvate species are encountered. For structures containing more than one solvent type, one generally finds nonpolar solvents crystallizing together on the one hand and polar solvents on the other. For example, the most common solvents found cocrystallizing with water are (in order of im-

Table 2 Distribution of the 15 Most Abundant Solvents in the Cambridge Crystallographic Database, as the Percentage of Solvate Structures

Solvent	Occurrence (%)
Water	61.4
Methylene dichloride	5.9
Benzene	4.7
Methanol	4.1
Acetone	2.8
Chloroform	2.8
Ethanol	2.6
Tetrahydrofuran	2.3
Toluene	2.2
Acetonitrile	1.9
N,N-dimethylformamide	0.9
Diethyl ether	0.9
Pyridine	0.7
Dimethyl sulfoxide	0.5
Dioxane	0.5

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portance) ethanol, methanol, and acetone. An interesting example of a structure containing a polar and a nonpolar solvent is the sodium salt of the antibiotic K-41, *p*-bromobenzoate monohydrate *n*-hexane solvate [74], which is crystallized from *n*-hexane saturated with water. Perhaps the best known mixed solvate is doxycycline hyclate: (doxycycline HCl)$_2$C$_2$H$_6$). H_2O. Triamterene also forms a mixed solvate, containing one *N,N*-dimethylformamide molecule and one water molecule within the crystal lattice [75].

The techniques used to obtain solvates are generally similar to the solvent methods used to obtain polymorphs, i.e. crystallization from a single solvent, from mixed solvents, or by vapor diffusion. Sometimes, it is possible to exchange one solvent within the crystal structure for another. When one recrystallizes a hydrate from dry methanol, in most cases one is left with either a methanol solvate or an anhydrous, unsolvated form of the compound.

A large number of solvates have been reported, especially for steroids and antibiotics. It has been observed that cortisone acetate and dexamethasone acetate can be crystallized as 10 different solvates. Dirithromycin, a semisynthetic macrolide antibiotic, crystallizes in two anhydrous polymorphic forms and in at least nine stoichiometric solvate forms. Six of the known solvates are isomorphic, having nearly identical x-ray powder diffraction patterns [76]. In addition to the anhydrate and dihydrate, erythromycin also forms solvates with acetone, chloroform, ethanol, *n*-butanol, and *i*-propanol [77].

It may be instructive to consider some examples of solvate formation. The compound 5-methoxysulphadiazine forms 1:1 host-guest solvates with dioxane, chloroform, and tetrahydrofuran [78]. These were prepared by heating to boiling a solution of the sulfonamide in the appropriate solvent, followed by slow cooling to obtain large crystals. Spironolactone forms 1:1 solvates with methanol, ethanol, ethyl acetate, and benzene. It also forms a 2:1 spironolactone-acetonitrile solvate [79,80]. The spironolactone solvates were prepared by crystallization in a refrigerator from solutions that were nearly saturated at room temperature.

Another steroid that forms solvates is stanozolol [81]. Solvates having 1:1 stoichiometry were prepared by recrystallization from methanol, ethanol, and 2-propanol, by heating the compound in the

appropriate solvent to 60–70°C and then cooling to 0°C in an ice bath to induce crystallization. The compound also forms a monohydrate and two polymorphs. The polymorphs were prepared by heating the solvates to either 130°C (Form II) or 205°C (Form I).

Mefloquine hydrochloride is an interesting case of a compound that forms stoichiometric 1:1 solvates on cooling hot (50°C) saturated acetone solutions (Form B, acetone solvate 1:1), hot (50°C) saturated isopropanol (Form I, isopropanol solvate 1:1), and a nonstoichiometric ethanol solvate (2.12% ethanol) from hot (50°C) saturated ethanol, Form E, whose x-ray powder pattern does not change following heating to 80°C, in spite of a decrease in the ethanol level to 0.12%. Mefloquine hydrochloride can also be obtained in a nonsolvated form from hot (70°C) saturated acetonitrile (Form A) and as two hemihydrates from water (Forms D and C) prepared at room temperature and at 30°C [82].

IV. Methods Employed To Obtain Amorphous Materials

Solids can exist in crystalline or amorphous form. Crystalline materials have defined structures, stoichiometric compositions, and melting points and are characterized by their chemical, thermal, electrical, optical, and mechanical properties [83]. By contrast, amorphous materials have no clearly defined molecular structure and no long-range order, so their structure can be viewed as being similar to that of a frozen liquid but without the thermal fluctuations observed in the liquid phase. As a result, amorphous materials exhibit the classical diffuse "halo" x-ray powder diffraction pattern rather than the sharp peaks observed in the pattern of a crystalline substance. When the halo is broad, it is often difficult to distinguish between a material that is truly amorphous (e.g., a true glass) and one that is merely microcrystalline. This situation exists because when microcrystallites have diameters less than about 50 Å in diameter, a similar "halo" effect is observed.

While crystalline solids offer the advantages of chemical and thermodynamic stability, amorphous solids are occasionally preferred because they undergo dissolution at a faster rate. Rapid dissolution is desirable in the case of solids, which must be dissolved prior to paren-